

TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATIONS REGARDING CALIFORNIA EXHAUST EMISSION STANDARDS AND TEST PROCEDURES FOR 1985 AND SUBSEQUENT MODEL HEAVY-DUTY ENGINES AND VEHICLES, TO SPECIFY MANDATORY STANDARDS FOR 1998 AND SUBSEQUENT HEAVY-DUTY ENGINES AND OPTIONAL STANDARDS FOR 1995 AND SUBSEQUENT HEAVY-DUTY ENGINES.

The Air Resources Board (the "Board" or "ARB") will conduct a public hearing at the time and place noted below to consider the adoption of amendments to the California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Engines and Vehicles, to specify mandatory standards for 1998 and subsequent heavy-duty engines and optional standards for 1995 and subsequent heavy-duty engines, exclusive of engines used in urban buses.

DATE: June 29, 1995

TIME: 9:30 a.m.

PLACE: Air Resources Board
Hearing Room, Lower Level
2020 "L" Street
Sacramento, California 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:30 a.m., June 29, 1995, and may continue at 8:30 a.m., June 30, 1995. This item may not be considered until June 30, 1995. Please consult the agenda for the meeting, which will be available at least 10 days before June 29, 1995, to determine the day on which this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION

Proposed Actions and Sections Affected:

- I. Amendment of the California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Engines and Vehicles -- Section 1956.8, Title 13, California Code of Regulations (CCR).

Pursuant to Health and Safety Code section 43806, the ARB, in June 1993, adopted new emission standards and test procedures for urban transit buses and engines. The ensuing regulation set the California particulate matter (PM) emission standard at 0.05 gram/brake horsepower-hour (gm/bhp-hr) for all 1996 and later California urban bus engines, thus corresponding to the federal standards adopted by the U.S. Environmental Protection Agency (U.S. EPA). It also required all 1996 and later California urban bus engines to meet a 4.0 gm/bhp-hr oxides of nitrogen (NOx) standard. This standard is identical to the federal NOx emission standard that applies to all heavy-duty vehicles, although the California urban bus standard becomes effective two years before the federal requirement. The regulation also provided for optional, low-emission NOx standards for California urban bus engines, beginning with model year 1994, to facilitate mobile source emission reduction credit programs.

These regulations, however, are only applicable to the urban bus subset of heavy-duty vehicles and do not provide for more stringent emission standards for the remaining classes of heavy-duty vehicles. Furthermore, without additional regulatory action, the 1998 California standards for heavy-duty vehicles, exclusive of urban buses, would be less stringent than the corresponding federal standards. Therefore, the proposed regulations would align California's NOx emission standard with the federal requirements by mandating a 4.0 gm/bhp-hr standard for 1998 and later model year new heavy-duty engines and new replacement heavy-duty engines. In addition, it is also proposed that optional, low-emission NOx standards be adopted, beginning with the 1995 model year. These optional standards would provide the means for vehicle operators to generate mobile source emission reduction credits through a heavy-duty vehicle credits program and to participate in other incentive programs, as provided for in the November 1994 State Implementation Plan, that encourage the early introduction of low-emission heavy-duty vehicles. Finally, the proposed regulations would extend the useful life requirement for NOx emissions from 1998 and later heavy-duty vehicles, both diesel and Otto-cycle, from eight years to ten years, while retaining the current useful life mileage provisions. This amendment would align the California useful life definition with the federal definition.

II. Amendment of the California Motor Vehicle Emission Control Label Specifications -- Section 1965, Title 13, CCR.

The ARB staff is proposing amendments to the California Motor Vehicle Emission Control Label Specifications to help identify those heavy-duty engines that are certified to the proposed optional NOx emission standards. It is proposed that information be added to the emission control label or that a supplemental emission control label be used to identify the engine by the optional standard to which the engine is certified for the applicable model year. This information will be used to facilitate any in-use test program that is implemented as part of a mobile source emission reduction credits program or other incentive program designed to encourage the early introduction of low-emission heavy-duty vehicles in advance of regulatory mandates.

III. Amendment of the Useful Life Definition for Heavy-Duty Engines and Vehicles for the Procedures for In-Use Vehicle Voluntary and Influenced Recalls -- Section 2112, Title 13, CCR.

The ARB staff is proposing an amendment to the useful life definition for heavy-duty engines and vehicles under section 2112, Title 13, CCR, in addition to referencing the new useful life definition (40 Code of Federal Regulations 86.098-2) in the "California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Engines and Vehicles." This amendment would also align the California 1998 useful life requirement, specified in section 2112, with the 1998 federal requirement, but will be specifically applicable to Chapter 2 - Enforcement of Vehicle Emission Standards and Surveillance Influenced Recalls. It is proposed that the useful life requirement be extended for the NOx emission standard for 1998 and later heavy-duty vehicles from eight years to ten years, while retaining the current useful life mileage provisions. This requirement would be consistent with what has been adopted by the U.S. EPA.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

The Board staff has prepared a Staff Report which includes the initial statement of reasons for the proposed action and a summary of the environmental impacts of the proposal, if any.

Copies of the Staff Report and the full text of the proposed regulatory language may be obtained from the Board's Public Information Office, 2020 L Street, Sacramento, CA 95814, (916) 322-2990. The Board staff has compiled a record which includes all information upon which the proposal is based. This material is available for inspection upon request to the contact person identified immediately below.

Further inquiries regarding this matter should be directed to Steve Church, Mobile Source Division, Regulatory Strategy Section, at (916) 323-5189, 2020 L Street, Sacramento, CA 95814.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred in reasonable compliance with the proposed regulations are presented below.

The Executive Officer has determined that the proposed regulatory action will not create costs or savings, as defined in Government Code section 11346.5(a)(6), to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to local agencies.

The Executive Officer has also determined that adoption of the proposed regulatory action will not have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

Finally, the Executive Officer has determined that there will be no, or an insignificant, potential cost impact, as defined in Government Code section 11346.5(a)(9) on private persons or businesses directly affected resulting from the proposed action.

Because federal regulations already require the use of heavy-duty engines throughout the United States that are able to meet the 4.0 gm/bhp-hr NOx emission standard beginning in 1998, there would be no real incremental cost increase for adopting the proposed mandatory California emission standard.

Given that the proposed optional emission standards are not mandatory, it is assumed that market forces will prevent the use of the optional standards if costs are excessive. Should manufacturers choose to certify engines to an optional, low-emission standard, the proposed regulations would impose small compliance costs on those manufacturers who use the optional supplemental labeling requirement provided by the regulations.

In accordance with Government Code section 11346.53, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation

of new businesses or elimination of existing businesses within California, or the expansion of businesses currently doing business within California. An assessment of the economic impacts of the proposed regulatory action can be found in the Staff Report.

The Board's Executive Officer has also determined, pursuant to Government Code section 11346.5 (a)(3)(B), that the regulation will not affect small business. The only businesses directly affected are engine manufacturers, which are not defined as small businesses under Government Code section 11342 (h).

Before taking final action on the proposed regulatory action, the Board must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing. To be considered by the Board, written submissions must be addressed to and received by the Board Secretary, Air Resources Board, P. O. Box 2815, Sacramento, CA 95812, no later than 12:00 noon, June 28, 1995, or received by the Board Secretary at the hearing.

The Board requests, but does not require, that 20 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing. The Board encourages members of the public to bring to the attention of staff, in advance of the hearing, any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND HEARING PROCEDURES


This regulatory action is proposed under the authority granted in Health and Safety Code sections 39600, 39601, 43010, 43013, 43018, 43101, 43103, 43104, 43105, 43806 and Vehicle Code Section 28114. This action is proposed to implement, interpret and make specific Health and Safety Code sections 39002, 39003, 39010, 39033, 43000, 43009.5, 43013, 43017, 43018, 43100, 43101, 43101.5, 43102, 43103, 43104, 43105, 43106, 43107, 43204-43205.5 and 43806.

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment,

at least 15 days before it is adopted. The public may request a copy of the modified regulatory text from the Board's Public Information Office, 2020 L Street, Sacramento, CA 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD

A handwritten signature in dark ink, appearing to read "Jim Boyd", written over a horizontal line.

James D. Boyd
Executive Officer

Date: May 2, 1995

